

Application No. 10/811,233
Filed: March 26, 2004
TC Art Unit: 2627
Confirmation No.: 9017

THE DRAWINGS

Please replace Figs. 7 and 8 with the enclosed replacement
Figs. 7 and 8 on replacement sheets 7/8 and 8/8.

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REMARKS

Claim 1 has been rejected under 35 U.S.C. § 103(a) over Applicant's "admitted prior art" in view of Takahashi et al. (WO 02/103430). US 6,819,491 is relied upon as a translation of the WO document. Reconsideration of this rejection is respectfully requested.

Claim 1 has been rewritten as new independent claim 2, rather than being substantially amended, to more positively recite the elements of the claim. More particularly, claim 2 positively recites a lens holder for holding the objective lens, an opening formed in the lens holder. A stepped portion (1c) is formed in an outer circumferential portion of the opening. A cut-out portion (1d) is formed in the stepped portion closest to a rising mirror. A light shielding ring for sealing the cut-out portion is arranged on the stepped portion. Advantages of this arrangement are described on page 7, lines 3-10, of the specification.

Takahashi does not disclose, teach, or suggest a cut-out portion in a stepped portion of a lens holder, with a light shielding ring sealing the cut-out portion, as presently claimed. Accordingly, claim 2 is believed to be patentable over the prior art of record.

Figs. 4-8 have been objected to as needing a legend such as "Prior Art." Figs. 7 and 8 have been so amended. Reconsideration of this objection is respectfully requested regarding Figs. 4-6.

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In the "Brief Description of the Drawings," only Figs. 7 and 8 are described as illustrating a conventional lens holder. Figs. 4-6 are not so described. Figs. 4-6 illustrate an apparatus to be installed with an optical pickup device of the present invention, although due to scale, the details of the present invention shown in Figs. 1-3 are not visible in Figs. 4-6. Furthermore, in the "Description of the Related Art," details of the prior art are most easily described by reference to Figs. 4-6. Thus, the inclusion of a discussion of these figures in the related art section does not in this case indicate that these figures are comprised entirely of conventional elements. Additionally, in the "Description of the Preferred Embodiment," the specification states: "In the embodiment, elements similar to the conventional construction are denoted by like reference numerals, and description thereof will be omitted." Thus, merely because there is some overlap in description between some elements of the prior art and the present invention does not mean that Figs. 4-6 are entirely illustrative of the prior art. Accordingly, reconsideration of this objection as to Figs. 4-6 is respectfully requested.

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In view of the above amendment and remarks, the claim is believed to be in condition for allowance, and reconsideration and indication of allowance are respectfully requested. The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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